



**MINUTES
CITY OF DANIA BEACH
PLANNING AND ZONING BOARD
REGULAR MEETING
Commission Chambers
Monday, September 14, 2009
7:00 PM**

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING AND ZONING ADVISORY BOARD WITH REGARD TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

LOBBYIST REGISTRATION REQUIRED - REGISTRATION AS A LOBBYIST IN THE CITY OF DANIA BEACH IS REQUIRED IF ANY PERSON, FIRM OR CORPORATION IS BEING PAID TO LOBBY THE COMMISSION ON ANY PETITION OR ISSUE PURSUANT TO ORDINANCE NO. 01-93. REGISTRATION FORMS ARE AVAILABLE IN THE CITY CLERK'S OFFICE IN THE ADMINISTRATION CENTER.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT LOUISE STILSON, CITY CLERK, 100 W. DANIA BEACH BLVD, DANIA BEACH, FL 33004, (954) 924-3622, AT LEAST 48 HOURS PRIOR TO THE MEETING.

IN CONSIDERATION OF OTHERS, WE ASK THAT YOU:

- A. PLEASE TURN CELL PHONES OFF, OR PLACE ON VIBRATE. IF YOU MUST MAKE A CALL, PLEASE STEP OUT INTO THE ATRIUM, IN ORDER NOT TO INTERRUPT THE MEETING.
B. IF YOU MUST SPEAK TO SOMEONE IN THE AUDIENCE, PLEASE SPEAK SOFTLY OR GO OUT INTO THE ATRIUM, IN ORDER NOT TO INTERRUPT THE MEETING.

I. ROLL CALL

Lottye Crooms	Excused	Thomas Ansbros, City Attorney
Angeline Flowers	Present	Robert Daniels, Director, Community Development
Derrick Hankerson	Present	Corinne Lajoie, Principal Planner
George Jason	Excused	Kristin Dion, City Planner
Tim Pribisco	Present	Lou Ann Patellaro, Board Clerk

Motion made to excuse Lottye Crooms and George Jason. Motion passed unanimously.

II. PLANNING AND ZONING BOARD ITEMS (FINAL APPROVAL)

1. VA-34-09 – Variance request by property owner Thomas Heavey for property located at 4403 SW 24th Avenue, Dania Beach, Florida. The variance request is:

- 1) To allow a pool patio to be located 2 feet from west side property line. (Broward County Zoning Code Article XVI Residential Zoning requires a minimum of 5 feet.)
- 2) To allow a screen enclosure to be located 2 feet from west side property line. (Broward County Zoning Code Article XVI Residential Zoning requires a minimum of 5 feet.)

Kristin Dion, City Planner addressed the board describing the zoning and land use for the site. Ms. Dion indicated that the property is adjacent to the City of Dania Beach's "Dania Cove" park and that the existing pool deck is located approximately 4 feet from the west property line, providing a one foot wide walkway along the west side of the pool. She stated that the applicant wishes to extend the pool patio an additional 2 feet to provide for a three foot wide walking area and to enclose the pool and patio at this same location. Ms. Dion noted that the applicant's reasoning for the variance request is that a wider walkway would provide a much safer condition than the existing one foot walkway. Ms. Dion concluded that staff is recommending approval of this request.

Thomas Heavy 4403 SW 24th Avenue addressed the board requesting approval of the request indicating that he is prepared to answer any questions by the board.

Chairperson Angeline Flowers opened the item for public comment.

Vito Cucuzza 4401 SW 24th Avenue addressed the board in support of the variance request.

Hearing no one and seeing no one further, the public hearing was closed.

Motion was made by Derrick Hankerson to recommend approval of variance VA-34-09, seconded by Timothy Pribisco. Motion passed on the following roll call:

Derrick Hankerson	– Yes	Timothy Pribisco	– Yes
Angeline Flowers	– Yes		

III. PLANNING AND ZONING BOARD ITEMS (COMMISSION)

2. SP-31-09 - Request by the firm Cubellis, Inc. for site plan approval to construct a 10,000 square foot public library on property located at 100 West Dania Beach Boulevard.

Corinne Lajoie, AICP, Principal Planner addressed the board describing the site characteristics, zoning, land use and indicating that the proposed project is located within the Community Redevelopment Agency district. She stated that the proposed plan is for a 10,000 square foot public library to be located east of Dania Beach City Hall at the Northeast end of the existing parking lot. Ms. Lajoie indicated comments recommended by staff include installation of a closed circuit television and video recorder, site lighting and landscape design to provide maximum safety on and around the site. Ms. Lajoie stated in addition, the CRA's Form Based Code (FBC) regulations were applied to this project. She also stated that as per the city Landscape Consultant's recommendation, a bond in the amount of \$35,447 will be required to ensure the successful relocation of the 4 live oaks trees, which will be released after the trees are shown to be in good health after one year.

Ms. Lajoie stated that the site plan was reviewed by the Fire Marshal, Public Services, the City's landscape consultant, Planning Division and the CRA Director and that staff is recommending approval provided that the outstanding staff comments are addressed prior to the issuance of a building permit.

Merrill Romanik with the firm Cubellis, Inc. 1800 Eller Drive, Suite 500 Ft. Lauderdale addressed the board thanking staff for their cooperation with this project and stated she was prepared to answer any questions relating to the project.

Derrick Hankerson questioned the 10 outstanding staff comments and if they felt these comments will not be addressed.

Timothy Pribisco questioned a contingency plan for temporary parking.

Ms. Romanic indicated that there are no issues with complying with staff's comments and that there is an overflow parking plan proposed for the site.

Board member Lottye Crooms arrived 7:15 pm

Chairperson Angeline Flowers opened the item for public comment, hearing no one and seeing no one the public hearing was closed.

Motion was made by Timothy Pribisco to recommend approval of the site plan SP-31-09, seconded by Derrick Hankerson. Motion passed on the following roll call:

Derrick Hankerson	– Yes	Lottye Crooms	– Yes
Timothy Pribisco	– Yes	Angeline Flowers	– Yes

3. Request by Greenhill Development Company representing the City of Dania Beach, to construct a parking garage and office/retail building with the assignment of residential units, commercial square footage and hotel rooms on property located south of 100 W. Dania Beach Boulevard, Dania Beach.

SE-42-09 – Special Exception request for:

- 1) 180 residential units leaving, 2,225 residential units remaining in the Local Activity Center (LAC).
- 2) 42,644 square feet of commercial, leaving 48,956 square feet of commercial remaining in the LAC.
- 3) 180 hotel rooms, leaving 334 hotel rooms remaining in the LAC.

Corinne Lajoie, AICP, Principal Planner addressed the board describing a conceptual master plan for the entire city hall site. She indicated that the master plan envisions a new city hall, a residential building, two restaurants, and a hotel and that the master plan is conceptual in nature, and does not provide adequate detail in terms of landscaping, setbacks and parking calculations. Ms. Lajoie stated that the applicant is looking for confirmation that the conceptual master plan is acceptable to the board and as such, requesting approval of the residential and hotel units as well as the commercial square footage envisioned in the conceptual master plan.

Ms. Lajoie, using a digital presentation of the project, described the location of the current city hall building in relation to the parking garage, library and future development on the proposed site plan.

Ms. Lajoie described the special exception request as a proposal to allocate 180 residential units, leaving 2,225 residential LAC units remaining; 42,644 square feet of commercial, leaving 48,956 square feet of LAC commercial remaining; and 180 hotel rooms, leaving 334 hotel rooms remaining in the LAC.

Ms. Lajoie further indicated that the following recommendations and comments must be addressed by the applicant at the time the master site plan for the hotel, restaurants and residential building are submitted:

- 1) Property must be platted prior to construction of the residential or commercial phases.
- 2) Hotel, restaurants and residential phases must be submitted for full site plan review and approval.
- 3) Site plan review will include review of all zoning regulations in effect at time site plan is submitted including, but not limited to proposed height, parking, setbacks and elevations.

Ms. Lajoie described the site plan for the parking garage (phase one), and that the County Commission is in the process of the vacation of Park Street. She indicated that the Parking Garage will be constructed in 2 steps as follows:

Step A - The proposed parking garage will provide parking for city hall, a proposed library as well as the general public.

Step B - The construction of the retail and office space immediately east of the parking garage. Step B cannot occur until after the vacation of Park Street, has been approved by Broward County.

Ms. Lajoie stated that construction of the parking garage and retail/office space will not affect the parking for city hall. She further stated that the site plan was reviewed by the Fire Marshal, Public Services, the City's landscape consultant, the Planning Division & the CRA Director and that staff is recommending approval provided that the applicant address the 29 comments prior to issuance of a building permit.

Ms. Lajoie stated that staff also recommends approval of the special exception for the assignment of the units, square footage and rooms for three years, to allow the applicant time to replat the property and obtain the required site plan approvals. She concluded that if the proposed development has not occurred within the allowed time, the units, square footage and rooms will return to the LAC or RAC as may be applicable.

Timothy Pribisco questioned the issue with the dedication of the site for public use only. Attorney Ansbro confirmed that replatting of the site would correct this dedication.

Derrick Hankerson questioned the relationship between the approval of the RAC and the vacation of Park Street.

Peter Gallo 1475 NW 176 Drive, Coral Springs Florida addressed the board describing the proposed master plan and the ongoing coordination with the master plan and library projects. Mr. Gallo complimented staff on their cooperation and coordination with Cubellis and the Library project. Mr. Gallo indicated that his staff is available to answer any questions by the board.

Chairperson Angeline Flowers opened the item for public comment, hearing no one and seeing no one, the public hearing was closed.

Motion was made by Timothy Pribisco to recommend approval of the Special Exception SE-42-09 and Site Plan SP-29-09 with staffs recommendations, seconded by Derrick Hankerson. Motion passed on the following roll call:

Lottye Crooms	–	Yes	Derrick Hankerson	–	Yes
Timothy Pribisco	–	Yes	Angeline Flowers	–	Yes

4. VA-28-09 - Variance request by Keith M. Poliakoff, Esq., representing Frontier Dania LLC, for property located at 1780 Stirling Road, Dania Beach, Florida for the following variance requests:

- 1) To allow wall signage to be permitted with a sign area of 2 square feet per 1 linear foot of tenant frontage. (Chapter 28, Zoning, Signs, permits a sign area of 1 square foot per 1 linear foot of tenant frontage.)
- 2) To permit a wall sign on a side elevation not facing a right of way, (Chapter 28, Zoning, Signs, permits additional wall signage for tenant's on corners when facing another right of way in this district.

Kristin Dion, City Planner addressed the board describing the proposed request for signage variances for a recently approved 14,000 square foot, five tenant retail plaza located on the northeast corner of Stirling Road and SW 18th Avenue.

Ms. Dion stated that following the current code, the individual tenant's wall signage facing Stirling Road would range from 18 to 38 square feet and if the variance is granted, the wall signage would increase from 37 to 71 square feet. She stated that the approved building is located 80 feet from the front property line along Stirling Road within the 80 foot setback area where parking and landscaping currently exist. Ms. Dion stated that the applicant feels that due to these conditions, the code permitted sign area does not provide adequate visibility for the tenants as well as visibility to westbound traffic on Stirling Road.

Ms Dion concluded stating that staff recommends approval, provided the signs be limited to individually illuminated and attached channel letters.

Keith M. Poliakoff, Esquire with the firm Becker & Poliakoff, addressed the board to describe the request and present the proposed signage elevations.

Timothy Pribisco questioned if the applicant has any concerns with the recommendation made by staff. Mr. Poliakoff responded that the applicant concurs with staff's recommendation.

Chairperson Angeline Flowers opened the item for public comment, hearing no one and seeing no one, the public hearing was closed.

Motion was made by Lottye Crooms to recommend approval of variance VA-28-09, seconded by Derrick Hankerson. Motion passed on the following roll call:

Lottye Crooms	–	Yes	Derrick Hankerson	–	Yes
Timothy Pribisco	–	Yes	Angeline Flowers	–	Yes

5. Request by applicant, Jon M. Grant for Grant Ventures Dania Condos LLC for allocation of flex, variances and site plan approval associated with the construction of a 28,732 square foot - 20 unit apartment building located at 4638 and 4648 SW 32nd Avenue as follows:

LUF-33-09 - FLEX RULE ALLOCATION

To allow the construction of a 20-unit apartment building on a 1 acre property with Irregular Density (10) future land use designation.

VA-32-09 – VARIANCE

- 1) To allow a building height of 56 feet; (Broward County Zoning Code Article XLVII. Low-Density Multiple R-3 District; Section 39-789 permits a maximum height of 35 feet.)
- 2) To allow for 40 parking spaces; (City of Dania Beach Code of Ordinances Chapter 28 Zoning, Article 6.21 Schedule of Off-street Parking Requirements requires a minimum of 47 spaces.)

SP-30-09 - SITE PLAN

To allow the construction of a 56 foot tall, 28,732 square foot apartment building with 20 units, a pool, and a dock providing for 10 boat slips.

Kristin Dion, City Planner addressed the board indicating that the site plan request is for the proposed construction of a 28,732 square foot 20-unit apartment building. She stated that the site is located on the east side of SW 32nd Avenue, north of Griffin Road bordered to the south by a single family residential property, to the east by a 60 foot wide canal, and to the north by vacant land. She further indicated that the subject property is made up of two parcels; the northern parcel is currently vacant and the southern parcel has an existing one story residential structure and shed.

Ms. Dion described the Flex rule allocation indicating that flex units may be utilized by the City to rearrange residential densities and that the applicant has requested the assignment of 10 flex units to allow for a total of 20 residential units on a one acre parcel, stating that 20 units are needed to make this project financially feasible. She indicated

for the board that the city's future land use plan has applied a maximum density of 10 units per acre on this site.

Ms. Dion described the variance requests from height and parking regulations, stating that the code allows a maximum height of 35 feet in this district and that the applicant is requesting a proposed height of 56 feet (four stories) to be able to construct 20 dwelling units within the site boundaries while also meeting setbacks, providing the parking area, required landscaping, and common area.

Ms. Dion further indicated the applicant is proposing to provide two parking spaces per each dwelling unit for a total of 40 parking spaces on site, which is seven less than required by code. She further stated that the site plan provides an additional 4 parallel parking spaces outside the west property line adjacent to SW 32nd Avenue and since the proposed on-street parking spaces are outside the property lines, they cannot be counted toward the total number of spaces provided.

Ms. Dion indicated that the site plan was reviewed by the Fire Marshal, Broward Sheriff's Office, Public Services, the City's landscape consultant and the Planning Division and that the following items must be addressed by the applicant prior to scheduling this item for the City Commission agenda:

Broward Sheriff's Office:

1. Install cameras at entrance gate, boat docks, stairwells, and elevators.
2. Post signage stating the premises is under surveillance.
3. Exterior parking lot and boat dock should be well illuminated.
4. Position trees so as not to interfere with cameras or lighting, and avoid concealment with landscaping.

Public Works:

5. Show existing swale and drainage system.
6. Show x-slopes on section.
7. Ensure exfiltration trench meets minimum criteria per SFWMD cover.
8. Resolve conflict in 6" vs. 8" lime rock base for pavement.
9. Catch basins need to be lower than berm to avoid flooding.
10. Overflow bleeder cannot be at 0.00. Other bleeder cannot be at 4.00 for retention area.
11. Spot grades and text in parking lot indicate a crowned centerline while contours show an inverted centerline. Parking area drainage must be clarified.
12. Fire hydrant must tap into existing water main directly and existing fire hydrant lead and auxiliary valve to be removed.
13. Verify proposed lateral will not interfere with proposed exfiltration trench at west side of parking lot. Provide invert of proposed lateral at point of connection to existing sanitary sewer.
14. Meter and DDCV must be in an accessible location.
15. Show system connection for water service line tapping into existing water main.
16. Demonstrate that the FDC for boat docks and building access is accessible.

Landscape:

17. Correct tree labels.
18. Indicate the canopy of existing invasive species.
19. Show existing seagrape on site plan.
20. Trees 63 and 64 are too small to be designated as trees.
21. Update landscape calculations to reflect 3 palms equal 1 tree.
22. Must provide two trees on each end of parking row.
23. One tree for every 200 square feet of interior vehicular landscape area is required.
24. Landscape for non-vehicular open space exclude perimeter buffers and vehicular use area landscaping. Revise calculations accordingly.
25. Add requirements for 26-47 in a clear tabular form, indicate which trees in the landscape plan and plant list are used to meet these requirements.
26. Using a symbol adjacent to each proposed tree location, indicate the landscape code requirement that the tree will be counted towards.
27. Provide the location of the proposed tree protection fence.
28. Include the hatching to represent the interior vehicular use area landscaping as calculated on the sheet LP-1.

Planning:

29. Foot candles have not been shown at all property lines on the lighting plan.
30. Correct building square footage on site plan.
31. Provide letter from FAA approving height.
32. Must obtain approval from Broward County School Board, Facility Management, Planning and Site Acquisition for proposed development.

Ms. Dion concluded stating that staff is recommending approval of the flex allocation for one year, approval of the requests for the height and parking variances (providing that the FAA has no objection to the height) and approval of the site plan request provided all outstanding comments are addressed prior to scheduling for City Commission agenda, and the flex units and variance requests are approved.

Timothy Pribisco questioned if any of the comments were architectural in nature. Ms. Dion indicated that most of the comments were engineering in nature. Corinne Lajoie, AICP, Principal Planner responded indicating that the Principal Arterial Design Guidelines apply to the main corridors within the city.

John Grant 3714 Ramsgate Drive, Annapolis Maryland addressed the board giving a presentation describing the proposed project. Mr. Grant described the need and hardship for the variance request and flex allocation.

Timothy Pribisco questioned the type of HUD financing Mr. Grant would be offering toward the sale of these units. Mr. Grant responded that the financing would be 221D4 which is a market rate housing program specifically for a waterfront project. Mr. Grant indicated that due to the land cost he cannot go any further until the site plan is approved

and obtains preliminary pricing for construction. Mr. Pribisco and Mr. Grant discussed further the financing, land value, marketing and economic impact for the site.

Chairperson Angeline Flowers opened the item for public comment.

Rosemary Van Witzenburg 4535 SW 30th Way questioned the definition of hardship and an explanation of flex units.

Thomas Ansbro, City Attorney explained the process for establishment of a hardship. Robert Daniels, Director of Community Development further described the concept of City and County land use and how flexibility units are applied.

Ms. VanWitzenburg 4535 SW 30th Way, Dania Beach questioned the size and location of the docks and boats and how this property would affect the adjacent properties.

Mr. Grant referenced the proposed site plan described in his presentation and that he did not anticipate vessels more than 35 feet and there should not be any impedance of the view of the sunset. Mr. Grant further indicated the proposed floor space of the units and the role of HUD funding.

Ms. Van Witzenburg indicated that she is opposed to the requests due to the applicant not showing a hardship for the variance.

Timothy Pribisco commented on neighborhood attendance at the Westside Master Plan workshops and that the city is looking for feedback from the neighborhood and encouraged participation.

Derrick Hankerson questioned any type of detriment or loss of property value the neighborhood would experience from the development of this project.

Ms. Van Witzenburg was concerned that these rental units in the neighborhood will encourage additional rental unit development which in turn will cause a loss in value to the properties and will cause increased boat traffic in the canals, the height of the building and the proposed runway.

Timothy Pribisco responded to Ms. Van Witzenburg's comments relating to vessel sizes.

Greg Pagliarulo 4641 SW 30th Way commented on the proposed development indicating that the property owners on the east side deed own the waterway abutting their property. Mr. Grant along with staff discussed the canal width and dredging that would occur.

Lottye Crooms questioned what kind of building could be built without a variance to which Mr. Grant indicated that a less quality development would have to be proposed. Mr. Grant concurred with Ms. Crooms that the project proposed is a high quality development and would improve the quality of life in the neighborhood.

Bill Gepford 3081 SW 46th Court addressed the board opposed to the variances due to the water runoff to the adjacent properties and the existing nature (Ospreys') on the site.

Brian Van Witzenburg 4535 SW 30th Way addressed the board relating to the impact of the neighborhood with security lighting and impact on the infrastructure and the already existing habitat for humanity homes, height of future development, schools, traffic and increased taxes.

Rick Buckner 4601 SW 30th Way addressed the board opposed to the development citing the uprooting of existing mangroves. Mr. Buckner was also opposed to the height.

Mr. Grant stated that there is a mitigation plan for the relocation of the mangroves and that the mangroves would be replanted denser as part of the landscape plan.

Mr. Buckner spoke about privacy and extensive redevelopment and spoke about the colors of the apartments and the mixture of ethnicity in the neighborhood.

Lottye Crooms addressed the audience relating to the history of the tomato fields, their blight and the right of a property owner to develop his property.

Derrick Hankerson spoke toward Dania Beach and it's commitment toward diversity.

Mr. Grant closed his presentation indicating that the property is a high density zoned site and that he is proposing a quality project for the site and that the tax revenue will address any infrastructure issues.

Hearing no one and seeing no one further, the public hearing was closed.

Motion was made by Lottye Crooms to recommend approval of the Land Use Flex Allocation LUF-33-09 for one year, approval of the variance and the site plan with the condition of all comments stated by staff,

Chairperson Angeline Flowers indicated that all comments must be addressed prior to the Commission hearing.

City Attorney Ansbro indicated that all hardship criteria must be addressed by the applicant.

the motion was seconded by Timothy Pribisco. Motion passed on the following roll call:

Lottye Crooms	–	Yes	Derrick Hankerson	–	No
Timothy Pribisco	–	Yes	Angeline Flowers	–	Yes

6. Directors Report –

Robert Daniels, Director of Community Development addressed the board commenting on the responsibilities and activities of the Local Planning Agency and the Planning and Zoning Board and their involvement in the planning process. He further referenced Florida Statutes and the boards responsibility for monitoring the effectiveness of the Comprehensive Plan,.

Mr. Daniels indicated that he will be bringing more in depth planning items to the board for their review and involvement such as the Community Redevelopment Plan and Regional Activity Center Plan. He stated that information on these documents are located on the city's website. Mr. Daniels further requested that all planning board members attend the workshop for the September 29 Westside Master Plan and future hearings for the One Code proposals.

Mr. Daniels gave a brief summary relating to current legislation of Senate Bill 360, Community Renewal Act of 2009 and the proposed elimination of the Development of Regional Impacts. He further discussed the DULA concept and traffic concurrency, and Hometown Democracy (Amendment IV) requiring land use plan amendments to go through a referendum. Mr. Daniels encouraged the board to call him at anytime there are questions relating to any of these concerns in the news. In conclusion Mr. Daniels distributed the publication "Lesson's Learned" to the board and encouraged the board to review the book.

Chairperson Flowers thanked Mr. Daniels for the informative information.

Motion passed unanimously to adjourn.

End of Agenda